

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

CHARLES POOLE

Plaintiff,

v.

CONVERGENT OUTSOURCING, INC.

Defendant.

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CASE NO.: 4:14-cv-662-REL

**DEFENDANT'S MOTION TO STAY
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW Convergent Outsourcing, Inc., by and through counsel, and in support of his Motion to Stay Plaintiff's Motion for Summary Judgment , states as follows:

1. On August 5, 2014, Defendant filed its Motion to Dismiss and Suggestions in Support, which is currently pending before this Court. (See Doc. #7 and #8, respectively).
2. To date, Plaintiff has not filed any response to Defendant's Motion to Dismiss.
3. On January 23, 2015, Plaintiff filed a Motion for Summary Judgment. (Doc. #25).
4. At this stage of the case, a motion for summary judgment is premature.
5. The Court has not yet issued an order regarding Defendant's Motion to Dismiss, so Defendant has not yet filed an answer, affirmative defenses, and/or counterclaims to the Complaint.
6. In addition, Defendant produced its initial disclosures and responses to Plaintiff's written discovery, but Plaintiff still has not produced his Rule 26 initial disclosures.
7. Furthermore, in an effort to control costs and attorney's fees, Defendant has not yet served Plaintiff with written discovery nor have the parties conducted party depositions.

8. Defendant motions this Court to stay Plaintiff's Motion for Summary Judgment until this Court has ruled on Defendant's Motion to Dismiss.

9. Briefing Plaintiff's motion would require both sides to spend considerable time and money conducting depositions, which substantially increases the expense of litigation for both parties.

10. This increased expense may be entirely unnecessary if the Court grants Defendant's Motion to Dismiss.

11. Judicial economies for Plaintiff, Defendant, and the Court suggest an order that stays Plaintiff's Motion for Summary Judgment until the Court rules on Defendant's Motion to Dismiss.

12. If the Court denies this Motion, Defendant requests 30 days to depose Plaintiff and file its Response to Plaintiff's Motion for Summary Judgment. Absent Plaintiff being uncooperative in scheduling of a deposition, 30 days should be sufficient.

13. Plaintiff is not prejudiced by the Court granting this Motion to Stay, or in the alternative, a 30-day extension of time to file a response.

WHEREFORE, Convergent Outsourcing, Inc. respectfully requests that this Court grants Defendant's Motion to Stay Plaintiff's Motion for Summary Judgment, or in the alternative, grants Defendant an extension of time in the amount of 30 days from the date that this Court rules on this Motion, and for all other relief this Court deems just and proper.

Respectfully submitted,

CONVERGENT OUTSOURCING, INC.

/s/ Dennis J. Barton III

Dennis J. Barton III, #55176

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 3, 2015, a true copy of the foregoing
was served upon Charles Poole by pre-paid First Class United States Mail:

Charles Poole
2104 Montgall Ave.
Kansas City, MO 64127
Plaintiff, *pro se*

/s/ Dennis J. Barton III